

REMARKS

Applicants respectfully request reconsideration of the allowability of the claims of the instant application in view of the foregoing amendments and the following remarks.

Applicants thank the examiner for the courtesy she extended to them by conducting a telephone interview with their undersigned attorney on October 5, 2005. In that interview, the arguments and amendments presented in this paper were discussed. An agreement was reached that all of the pending claims are allowable in view of those arguments and amendments.

In the Office Action, the examiner rejected claims 7-64 under 35 U.S.C. § 112, second paragraph, stating that the limitation “the highest sintering temperature at which the green article can be sintered without slumping” in claims 7, 14, 23, 38, 51, and 58 “renders the claims indefinite because it is a relative term which renders the claims indefinite.” The examiner went on to explain that “the term ‘highest’ is not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not reasonably be apprised of the scope of the invention.”

Applicants respectfully submit that the above-identified limitation does not render the cited claims indefinite because the specification clearly and unambiguously gives meaning to the limitation so that a person skilled in the art would be reasonably apprised of the scope of the invention. 37 C.F.R. § 1.75 (d)(1) (“The claim or claims must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by

reference to the description.” (emphasis added)). At page 6, lines 10-14, the specification defines slumping in the following terms (emphasis added):

Slumping refers to a noticeable amount of gravity-induced distortion of a green article occurring during liquid phase sintering that causes the dimensions of the resulting sintered article to be outside of their respective dimensional tolerance ranges. However, in micro-gravity conditions, slumping refers to such distortions which are surface tension-induced, rather than gravity-induced.

Moreover, the specification also provides further guidance by stating at page 10, lines 18-19 (emphasis added):

A green article “can be sintered without slumping” if no slumping occurs when the green article is sintered to an achievable desired relative density in a reasonable time.

Additionally, the specification states at page 2, lines 17-22 (emphasis added):

Although sintering may occur to some extent over a range of temperatures as the green article is being heated, the peak temperature to which the green article is heated is what is usually referred to as the “sintering temperature.” Generally, the green article is held for a period of time ranging from a few minutes to a few hours at the sintering temperature, the length of time depending upon a variety of process and metallurgical system-related factors.

Furthermore, the specification includes Examples 2 – 4, each of which provides guidance to the person skilled in the art as to the meaning of the above-identified limitation by way of actual example.

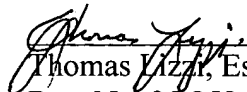
Thus, the specification discloses a standard by which a person skilled in the art would be able to determine the meaning of “the highest sintering temperature at which the green article can be sintered without slumping” so that such a person would be apprised of the scope of the claim. MPEP 2173.05(b) (“The fact that claim language,

including terms of degree, may not be precise, does not automatically render the claim indefinite under 35 U.S.C. 112, second paragraph. Acceptability of the claim language depends on whether one of ordinary skill in the art would understand what is claimed, in light of the specification.”(citations omitted and emphasis added)). Accordingly, Applicants respectfully submit that the above-identified limitation meets the requirements of 35 U.S.C. 112, second paragraph, and does not render any of the claims indefinite.

The examiner also stated that “the limitation of step b) in claims 51 and 58 implies that at least one step of applying the powder mixture into the layer must be conducted before selectively binding is occurred” and that the “implied limitation is improper.” In response, Applicants have amended claims 51 and 58 to explicitly recite that step a) is performed prior to step b). Applicants respectfully believe that these amendments overcome the examiner’s objections to the clarity of these claims.

Applicants respectfully submit that all of the claims of the instant application meet the requirements of 35 U.S.C. § 112, second paragraph, and request allowance of same.

Respectfully submitted,


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